



Def 1, AF
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANTS: ANDREAS GERKEN ET AL. - 1
SERIAL NO.: 10/716,128 EXAMINER: B. MUSSER
FILED: NOVEMBER 18, 2003 GROUP: 1733
TITLE: METHOD FOR THE MANUFACTURE OF A MOLDED BODY FIRMLY
BONDED TO A GRAINED OR STRUCTURED MOLDED SKIN AND A
DEVICE FOR PERFORMING THE METHOD

LETTER TRANSMITTING APPEAL BRIEF AND FEE

MAIL STOP APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith for filing is a Brief on Appeal and fee. The Commissioner of Patents is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 03-2468.

Respectfully submitted,
ANDREAS GERKEN ET AL.

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ECR

Frederick J. Dorchak, Reg. No. 29,298
Elizabeth Collard Richter, Reg. No. 35,103
Attorneys for Applicants

Enclosure: Brief on Appeal and Check for \$500

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 24, 2007.

Kelly Espitia



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANTS: ANDREAS GERKEN ET AL. - 1
SERIAL NO.: 10/716,128 EXAMINER: B. MUSSER
FILED: NOVEMBER 18, 2003 GROUP: 1733
TITLE: METHOD FOR THE MANUFACTURE OF A MOLDED BODY FIRMLY
BONDED TO A GRAINED OR STRUCTURED MOLDED SKIN AND A
DEVICE FOR PERFORMING THE METHOD

BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2313-1450

Dear Sir:

In accordance with the provisions of Rule 192(c), the following items under appropriate headings are provided for this appeal from the final rejection of claims 1, 3 and 7-13:

REAL PARTY IN INTEREST

The real party in interest is the assignee, Benecke-Kaliko AG, a subsidiary of Continental Aktiengesellschaft.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, the Appellant's legal representative, or assignee which are related to or may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 2 and 4 have been cancelled without prejudice. Claims 5, 6, and 14-38 have been withdrawn from consideration. Claims 1, 3 and 7-13 were finally rejected in an Office Action dated September 25, 2006. No claims have been allowed. The appealed claims are 1, 3 and 7-13.

STATUS OF AMENDMENTS

The Amendment filed on December 20, 2006 in response to the September 25, 2006 Final Office Action has been entered but was deemed by the Examiner not to place the application in condition for allowance. The December 20, 2006 Amendment amended claims 8 and 9. The Examiner has indicated in an Advisory Action dated February 6, 2007 that the amendments to claims 8 and 9 in the December 20, 2006 amendment have overcome the rejections under 35 USC § 112, second paragraph.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is described below with reference numbers from the drawings and page and line numbers from the specification. Such reference numbers and citations to the specification are for illustration only and are not intended to limit the claims.

As shown in FIGS. 1-13, the present invention as set forth in independent claim 1 provides a method for producing a molded body firmly bonded to a grained or structured molded skin. The method includes the step of inserting a spatially conformed, elastic skin 3 having a graining or structuring 2 on an inside thereof 3a, into

a receiving mold 7 of a tool bottom part 6, the mold being open on one side so that an outside 3b of the elastic skin 3 abuts and is stabilized by an inner wall of the receiving mold. See e.g., Specification at page 31, line 11 to page 32, line 2.

A liquid plastic film with a predefined film thickness is applied to the grained or structured inside 3a of the elastic skin 3 and the plastic film is hardened so that a molded skin 15 is formed. See e.g., Specification at page 33, line 11 - page 34, line 5. The molded skin 15 is back-foamed under the influence of heat after hardening to form the molded body and a firm bond between the molded body and the molded skin 15 is formed by introducing reactive foaming agents into an intermediate space 19 that is delimited by an inside of the molded skin 15 and a spatially conformed tool top part 12, which is inserted into the receiving mold 7 of the tool bottom part 6 to close the mold. See e.g., Specification at page 37, lines 9-20. The dimensions of the intermediate space 19, and thus also of the foam that forms the molded body are defined by contours of the molded skin 15 and the tool top part 17 and the intermediate space 19 is sealed off by the tool top part 17 during foaming. See e.g., Specification at page 37, last paragraph (lines 15-20).

The elastic skin 3, molded skin 15, and the molded body are removed all together in a single assembly from the receiving mold 7 of the tool bottom part 6, the tool top part 17 being removed either before or after the removal of the assembly. See e.g., Specification at page 39, first paragraph (lines 1-7).

The elastic skin 3 is stripped from the molded skin 15, which is firmly bonded with the molded body, so that a graining or structuring remains on the surface of the molded skin 15 after the elastic skin 3 is stripped away. See e.g., Specification at pages 15, second full paragraph (lines 9-12); page 39, first and second paragraphs (lines 1-15). The tool top part is heated via at least one heating channel 26 extending in the tool top part 12. See, e.g., Specification at page 13, second full paragraph (lines 16-19), page 17, first paragraph (lines 1-4) and page 35, line 18 to page 36, line 2.

Claim 3 is dependent on claim 1 and specifies that the reactive foaming agents comprise raw materials that form open-cell polyurethane foams. See e.g., Specification at page 13, first full paragraph (lines 14-15).

Claim 7 is dependent on claim 1 and specifies that the elastic skin stripped off is reused directly in the step of inserting a spatially conformed, elastic skin 3 having a graining or structuring 2 on an inside thereof, into a receiving mold 7 of a tool bottom part 6. See e.g., Specification at page 16, first paragraph (lines 1-3); page 36, second full paragraph (lines 15-16); page 39, second paragraph (lines 12-15).

Claim 8 is dependent on claim 1 and specifies that when applying the liquid plastic film with a predefined film thickness to the grained or structured inside of the elastic skin, the liquid plastic is poured or injected into an intermediate space, which is delimited by the inside of the elastic skin and an auxiliary tool top part that is inserted into the receiving mold of the tool bottom part, the dimensions of the intermediate

space being defined by the contours of the elastic skin and the auxiliary tool top part, and the auxiliary tool top part is removed from the receiving mold of the tool bottom part after the plastic layer at least partially hardens. See e.g., Specification at page 16, second paragraph (lines 4-14).

Claim 9 is dependent on claim 8 and specifies that the plastic film hardens under the influence of heat, the auxiliary tool top part being heated via at least one heating channel extending in the auxiliary tool top part. See e.g., Specification at page 17, first paragraph (lines 1-4); page 35, line 18 - page 36, line 2.

Claim 10 is dependent on claim 1 and specifies that the plastic film is made from a material selected from the group consisting of: cross-linkable polyurethanes, polyurethane molding resins, liquid cross-linkable substances, epoxy resins, non-reactive hot-melt substances, thermoplastic polyurethanes (TPU), thermoplastic polyolefins (TPO), thermoplastic elastomers (TPE), polyvinyl chloride (PVC) and mixtures thereof. See e.g., Specification at page 17, third paragraph (lines 8-14).

Claim 11 is dependent on claim 1 and specifies that the plastic film is formed from a single- or multi-component, cross-linkable polyurethane system that is based on aliphatic or aromatic starter materials. See e.g., Specification at page 35, first full paragraph (lines 10-17).

Claim 12 is dependent on claim 1 and specifies that after inserting the spatially conformed, elastic skin 3 into the receiving mold 7 of the tool bottom part 6, a thin paint

layer 11 is applied as an in-mold coating to the grained inside of the elastic skin and is dried or hardened, and that the liquid plastic film with a predefined film thickness subsequently applied to the grained or structured inside of the elastic skin is applied to the thin paint layer. See e.g., Specification at page 18, first paragraph (lines 1-7), page 32, third full paragraph (lines 15-20).

Claim 13 is dependent on claim 12 and specifies that different regions of the inside of the elastic skin 3 are coated with different coloured paints. See e.g., Specification at page 18, third paragraph (lines 11-13).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 7, 10, 12 and 13 have been rejected under 35 USC § 103(a) as unpatentable over U.S. Patent No. 3,259,673 to *Ericson* in view of International Publication No. WO 02/26461 to *Malfliet* and International Publication No. WO 01/26883 to *Demoe*. Claim 3 has been rejected under under 35 USC § 103(a) as unpatentable over *Ericson*, *Malfliet* and *Demoe* and further in view of U.S. Patent No. 5,662,996 to *Jourquin*. Claims 1, 8 and 9 have been rejected under 35 USC § 103(a) as unpatentable over U.S. Patent No. 5,938,993 to *Greene* in view of *Malfliet*, *Ericson* and *Demoe*. Claim 11 has been rejected under 35 USC § 103(a) as unpatentable over *Greene*, *Malfliet*, and *Demoe* and further in view of U.S. Patent No. 4,925,719 to *Staneluis*.

The Examiner has taken the position that *Ericson* discloses a method of forming a molded article by spraying a film coting into a mold, hardening it to form a film, closing

the mold, back foaming the mold with the foam dimensions defined by the film and the top of the mold under heat and removing the article from the mold. The foam according to *Ericson* is said to contain reactive foaming ingredients as it is a urethane foam mixture.

Ericson does not disclose inserting an elastic skin having graining on the inside and applying the film to it and after removal from the mold, stripping the elastic skin away. *Malfliet* is said to disclose a method of forming a molded body by inserting an elastic skin having graining on the inside into a receiving mold bottom, the edges of which stabilize the elastic skin, applying a liquid polymer to the inside of the elastic skin which is hardened to form a molded skin, back foaming the mold by introducing a foamable mixture into the mold, removing the elastic skin, molded skin and foamed body from the mold as a unit attached to the tool top, and stripping the elastic skin from the molded skin so the graining remains on the molded skin, wherein the process prevents the mold seams from being present on the final article.

In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an elastic skin with a grain pattern in the method according to *Ericson* rather than give the film the pattern of the mold surface since this would prevent the mold seams from being present in the final product.

Ericson does not disclose the mold top part having a channel for heating, however *DeMoe* is said to show a method of applying a cover to a foamable mixture in

a mold wherein the mold is heated via heat lines extending through the top and bottom of the mold.

In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to heat the mold of *Ericson* and *Malfliet* using channels in the top and bottom of the mold as shown in *Demoe*, since this is said to be a known alternative in the art and would reduce the required amount of equipment and movement of the mold.

With respect to claim 3, the Examiner has taken the position that although *Ericson*, *Malfliet*, and *DeMoe* fail to disclose whether the foam is open or closed cell, *Ericson* discloses a polyurethane foam and that the article can be used as an instrument panel or trim component and *Jourquin* discloses forming a dashboard or trim component having a skin and a polyurethane foam in a mold wherein the foam is an open cell foam. In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the foam of *Ericson*, *Malfliet*, and *DeMoe* open cell as *Jourquin* shows that articles made of similar materials in similar ways for similar end uses use an open cell foam.

With respect to claim 7, the Examiner has held that *Malfliet* discloses re-using the elastic skin by removing it from the article and positioning it again in the mold.

With respect to claim 10, the Examiner has held that *Ericson* discloses a polyvinyl chloride film.

With respect to claim 12, the Examiner has held that *Malfliet* discloses the application of a paint film to the inside of the elastic skin after it is placed in the mold.

With respect to claim 13, the Examiner has taken the position that one in the art would appreciate that different regions of the elastic skin could be painted different colors so that the final article would have different colors in different locations.

The Examiner has taken the position that *Greene* discloses a method of forming a molded article by forming a silicone skin in a mold having the texture of the final described product, injecting a skin coating onto the silicone, hardening it to form a film, pouring a foamable material into the mold, closing the mold, and back foaming the mold with the foam dimensions defined by the film and the top of the mold under heat. The foam according to *Greene* is said to contain reactive foaming ingredients as it is a urethane foam mixture.

Greene does not disclose the silicone layer as elastic, however, in the Examiner's view one in the art would appreciate that silicone materials are generally elastic. *Greene* also does not disclose inserting the silicone skin into the mold or how the article is removed from the mold.

In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method according to *Greene* to insert the silicone skin and remove it together with the skin coating and the foam mixture to allow re-use of the mold as taught by *Malfliet*, since the shape of the article

would make it difficult to remove without destroying the mold or also removing the silicone layer.

Greene and *Malfliet* also do not disclose closing the mold prior to inserting the foamable material. In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method according to *Greene* to inject the foam after closing the mold as taught by *Ericson* as a known alternative to closing the mold after injecting the foam and since this would insure that the foam did not temporarily expand larger than the desired final shape, possible causing problems when the reacting foam was re-compressed in the mold.

Greene, and *Malfliet* do not disclose the mold top part having a channel for heating or any heating. In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods according to *Greene* and *Malfliet* to heat the molds using channels in the top and bottom of the mold since *DeMoe* shows this is a known method and since this would insure the foamable mixture heated and cured adequately.

With respect to claim 8, the Examiner has taken the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to pour or inject the skin layer according to *Greene* using a tool top part to delimit the shape of the skin layer since *Malfliet* shows this is a known alternative in the art for applying the skin layer to the interior of a mold.

With respect to claim 9, the Examiner has taken the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method according to *Greene* to include a channel in the top tool part used to form the skin and to heat the skin using the channel, since *DeMoe* shows that it is known to use channels to heat a mold and since this would dry the skin layer quickly.

With respect to claim 11, the Examiner has held that *Staneluis* discloses a method of making a polymeric article with a polyurethane skin and a polyurethane foamed core in a mold, wherein the skin layer is a thermoset polyurethane. In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the molded skin according to *Greene* thermosetting, since *Staneluis* discloses that articles made with polyurethane skins and polyurethane foam cores in molds can have thermosetting skins.

ARGUMENT

Claims 1, 7, 10, 12 and 13 are Patentable
over *Ericson* in view *Malfliet* and *Demoe*

A claimed invention is unpatentable if the differences between it and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art...." 35 U.S.C. §103(a). When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references. See *In re Geiger*, 815 F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir.1987). The suggestion to combine references may flow from the nature of the problem, see *Pro-Mold & Tool Co. v. Great*

Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 U.S.P.Q.2d 1626, 1630 (Fed. Cir.1996), or from the teachings of the references, see In re Sernaker, 702 F.2d 989, 994(Fed. Cir.1983), or from the ordinary knowledge of those skilled in the art that the references are of special importance in a particular field, see Pro-Mold, 75 F.3d at 1573 (citing Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 297 n. 24, 227 U.S.P.Q. 657, 667 n. 24 (Fed.Cir.1985)). "When determining the patentability of a claimed invention which combines two known elements, 'the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination.' " See In re Beattie, 974 F.2d 1309, 1311-12, 24 U.S.P.Q.2d 1040, 1042 (Fed.Cir.1992) (quoting Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 U.S.P.Q. 481, 488 (Fed.Cir.1984)).

The Examiner is required to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons why one of skill in the art, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited references for combination in the manner claimed in the present application. In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998); In re Kotzab, 217 F.3d 1365, 1371 (Fed. Cir. 2000).

The requirement of a suggestion to combine is a safeguard against the use of hindsight to negate patentability. While the skill level of those in the art is part of the inquiry for a suggestion to combine, a high level of skill alone does not supply a

motivation to combine. Otherwise a high level of ordinary skill in an art field would almost always preclude patentable inventions. In re Rouffet, 149 F.3d at 1357 (Fed. Cir. 1998).

It is respectfully submitted that in the combination of *Ericson*, *Malfliet* and *Demoe*, the Examiner is engaging in an impermissible retrospective view with knowledge of the invention in which the Examiner combines these references in order to arrive at something like Appellant's invention as recited in claim 1, 7, 10, 12 and 13; however, one skilled in the art would have no reason to do so as none of the cited references teach the desirability of making the specific combination that only Appellants have taught. Likewise, in the combination of *Greene*, *Malfliet*, *Ericson* and *Demoe*, the Examiner is engaging in an impermissible retrospective view to arrive at something similar to Appellant's invention as recited in claims 1, 8 and 9.

The Examiner has the burden under 35 U.S.C. § 103(a) to establish a *prima facie* case of obviousness. This burden can be satisfied only by showing some objective teaching of the prior art, or knowledge generally available to one of ordinary skill in the art, that would lead that individual to modify the reference in the manner suggested by the Examiner. This the Examiner has not done.

It is respectfully submitted that there is no suggestion in any of the references that the method according to *Ericson* was inadequate or should be modified in any way, let alone modified to include the steps of (a) inserting an elastic skin having a graining on the inside, applying a film to the elastic skin to form a molded skin, and stripping the

elastic skin from the molded skin after removal from the mold and (b) heating a tool top part via a heating channel extending in the tool top part as suggested by the Examiner.

Ericson discloses a method for producing a plastic part from a laminate material of a vinyl polymer film and a foam applied to the back. The production is simplified, by means of a certain viscosity of the vinyl polymer, a certain nozzle pressure, and a certain temperature, in such a manner that the vinyl polymer layer can be introduced into the mold using a spray device, and not, as was usual up to that time, placed into a mold in liquid form. Back-foaming is also disclosed.

Ericson includes no teaching, suggestion or disclosure regarding the surface of the plastic vinyl polymer layer of the part to be produced. Rather, the method according to *Ericson* is primarily concerned with the exterior contour of the molded part. Upon reading *Ericson*, one skilled in the art would not be motivated to modify the method according to *Ericson* to arrive at the method for producing a molded body firmly bonded to a grained or structured molded skin as recited in Appellants' pending claims 1, 7, 10, 12 and 13. In particular, one skilled in the art would not be motivated to modify the method according to *Ericson* as suggested by the Examiner to further include the steps of inserting an elastic skin having a graining on the inside, applying a film to the elastic skin to form a molded skin, and stripping the elastic skin from the molded skin after removal from the mold as said to be shown in *Malfliet*.

Moreover, the disclosure of *Ericson* fails to teach or suggest the desirability of heating a top tool part via at least one heating channel as recited in Appellants' pending

claims 1, 7, 10, 12 and 13. With respect to the heating of the urethane foam reaction mixture, *Ericson* discloses only placing the mold in an oven after pouring the urethane foam reaction mixture into the mold cavity. (See *Ericson* column 8, line 71- column 9, line 3). *DeMoe* relates to a mold tool having a plurality of heat lines 24 running through the mold tool adjacent the upper and lower mold surfaces for heating the mold cavity, as well as cooling lines 30 in the lower mold adjacent the split line for cooling the split line to prevent the portion of the skirt disposed therein from being heated. Here again, a person skilled in the art lacks any explanation why he/she should modify the method according to *Ericson* to replace the method of oven heating with the more costly and complicated method of heating the top tool part via heating channels extending in the tool top part. In particular, the formation of heating channels/heating pipes within a movable die mold requires an enormous apparatus expenditure with regard to feed lines and pipelines, which is only justified if better heating or cooling can be achieved. In contrast, heating in an oven, as disclosed in *Ericson*, would be significantly easier to carry out.

Accordingly, it is respectfully submitted that there is nothing in any of *Ericson*, *Malfliet* or *Demoe* that would lead one skilled in the art to make the modifications proposed by the Examiner. Since there is no teaching or suggestion in the references to combine the teachings of *Ericson*, *Malfliet* and *Demoe* to achieve the present invention, which solves a completely different problem than that addressed by *Ericson*, Appellants respectfully submit that claims 1, 7, 10, 12 and 13 are patentable over the cited references, taken either singly or in combination.

Claims 1, 8 and 9 are Patentable
over Greene in view of Malfliet, Ericson and Demoe.

The primary reference to *Greene* describes a method in which an entire mold is produced from silicone. This silicone mold is then used for molding a final polyurethane part, for example a seat cushion. *Greene* describes the production of the silicone mold. See, for example Figures 1a-5a, showing the different production steps. In the individual steps, a sample piece is covered with clay, step by step; the clay layers are removed, and afterwards, the remaining interstice is filled with silicone that is cast in.

Greene does not disclose or suggest an elastic skin that covers the actual mold wherein the elastic skin has a graining or structuring on the inside, said graining or structuring remaining on the surface of a molded skin once the elastic skin is stripped away as recited in claims 1, 8 and 9. Although *Greene* teaches that the entire mold, or significant surface parts of the mold, respectively, as such consist of silicone material, neither *Greene* nor *Malfliet, Ericson* or *Demoe* give a person skilled in the art any suggestion or motivation to configure the silicone mold taught by *Greene* as a thin skin and to cover a mold consisting of a different material with it, in order to solve the problems of seam formation between individual mold parts.

Dependent claim 8 of the pending application recites that *"the liquid plastic film is applied with a predefined film thickness to the grained or structured inside of the elastic skin by pouring or injecting the liquid plastic into an intermediate space, which is delimited by the inside of the elastic skin and an auxiliary tool top part that is inserted*

into the receiving mold of the tool bottom part ...". Claim 9 depends from claim 8 and accordingly includes this feature as well.

There is no disclosure in *Greene* that would motivate a person skilled in the art to shape the surface skin of *Greene* using an inserted die, in order to adjust the precise layer thickness of the skin layer. Figures 5a-6b of *Greene* show the production method according to *Greene*, and teach a person skilled in the art specifically that no die at all is required for production of the skin layer 20. In particular, a person of ordinary skill in the art would not be motivated to modify the method taught in *Greene* to incorporate an upper, auxiliary tool top part inserted into the receiving mold of the tool bottom part in order to achieve a precise predefined film thickness, as set forth in dependent claims 8 and 9.

Thus, combining the teachings of *Greene* with *Malfliet*, *Ericson* or *DeMoe* is improper, as there is no suggestion in *Greene* that the problems solved by the claimed method could be accomplished by combination with selective aspects of these references. Accordingly, Appellants respectfully submit that claims 1, 8 and 9 are patentable over the cited references, taken either singly or in combination.

Claim 3 is Patentable
over *Ericson*, *Malfliet* and *Demoe* in view of *Jourquin*.

With respect to dependent claim 3, *Jourquin* is said to teach that articles made of similar materials in similar ways for similar end uses use an open cell foam. In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to make the foam of *Ericson*, *Malfliet*, and *DeMoe* open cell as in *Jourquin*.

For the reasons set forth above however, it is respectfully submitted that there is nothing in any of *Ericson*, *Malfliet* or *Demoe* that would lead one skilled in the art to make the modifications proposed by the Examiner. Accordingly, Appellants respectfully submit that claim 3 is patentable over the cited references.

Claim 11 is Patentable
over *Greene*, *Malfliet*, and *Demoe* in view of *Staneluis*.

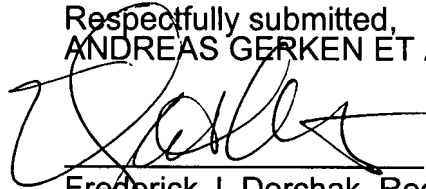
With respect to dependent claim 11, *Staneluis* is said to teach that articles made with polyurethane skins and polyurethane foam cores in molds can have thermosetting skins. In the Examiner's view, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the molded skin according to *Greene* thermosetting, since *Staneluis* discloses that articles made with polyurethane skins and polyurethane foam cores in molds can have thermosetting skins.

For the reasons set forth above however, it is respectfully submitted that neither *Greene* nor *Malfliet*, *Ericson* or *Demoe* give a person skilled in the art any suggestion or motivation to make the modifications to *Greene* proposed by the Examiner. Accordingly, Appellants respectfully submit that claim 7 is patentable over the cited references.

In view of the above, Appellants respectfully submit that they are entitled to a patent incorporating claims 1, 3 and 7-13. A Claims Appendix containing a copy of the

claims involved in the appeal is attached to this brief. Evidence and Related Proceedings Appendices are also attached indicating "None." A remittance of \$500.00 in payment of the official fee is attached. Fee deficiencies, if any, should be charged to Deposit Account No. 03-2468.

Respectfully submitted,
ANDREAS GERKEN ET AL.



Frederick J. Dorchak, Reg. No. 29,298
Elizabeth Collard Richter, Reg. No. 35,103
Attorneys for Applicants

COLLARD & ROE, P.C.
CUSTOMER NO.: 25889
1077 Northern Boulevard
Roslyn, NY 11576
516 365-9802

Enclosure: Claims Appendix, Evidence Appendix, Related Proceedings Appendix
Check in the amount of \$500.00

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2007.


Kelly Espitia



APPENDIX A

CLAIMS APPENDIX

Claims 1, 3, 7-13

Claim 1: A method for producing a molded body firmly bonded to a grained or structured molded skin, comprising the following steps:

a) inserting a spatially conformed, elastic skin having a graining or structuring on an inside thereof, into a receiving mold of a tool bottom part, the mold being open on one side so that an outside of the elastic skin abuts and is stabilized by an inner wall of the receiving mold;

b) applying a liquid plastic film with a predefined film thickness to the grained or structured inside of the elastic skin;

c) hardening the plastic film so that a molded skin is formed;

d) back-foaming the molded skin under the influence of heat after said step of hardening to form the molded body and forming a firm bond between the molded body and the molded skin by introducing reactive foaming agents into an intermediate space that is delimited by an inside of the molded skin and a spatially conformed tool top part, which is inserted into the receiving mold of the tool bottom part to close the mold, the dimensions of the intermediate space, and thus also of the foam that forms the molded body, being defined by contours of the molded skin and the tool

top part, and the intermediate space being sealed off by the tool top part during foaming;

e) removing the elastic skin, molded skin, and the molded body all together in a single assembly from the receiving mold of the tool bottom part, the tool top part being removed either before or after the removal of the assembly; and

f) stripping the elastic skin from the molded skin, which is firmly bonded with the molded body, so that a graining or structuring remains on the surface of the molded skin after the elastic skin is stripped away,

wherein the tool top part is heated via at least one heating channel extending in tool top part.

Claim 3: The method according to claim 1, wherein the reactive foaming agents comprise raw materials that form open-cell polyurethane foams.

Claim 7: The method according to claim 1, wherein the elastic skin stripped off is reused directly in method step a).

Claim 8: The method according to claim 1, wherein in step (b), the liquid plastic film is applied with a predefined film thickness to the grained or structured inside of the elastic skin by pouring or injecting the liquid plastic into an intermediate space, which is delimited by the inside of the elastic skin and an auxiliary tool top part that is inserted into the receiving mold of the tool bottom part, the dimensions of the

intermediate space being defined by the contours of the elastic skin and the auxiliary tool top part, and the auxiliary tool top part is removed from the receiving mold of the tool bottom part after the plastic layer at least partially hardens.

Claim 9: The method according to claim 8, wherein the plastic film hardens under the influence of heat, the auxiliary tool top part being heated via at least one heating channel extending in the auxiliary tool top part.

Claim 10: The method according to claim 1, wherein the plastic film is made from a material selected from the group consisting of: cross-linkable polyurethanes, polyurethane molding resins, liquid cross-linkable substances, epoxy resins, non-reactive hot-melt substances, thermoplastic polyurethanes (TPU), thermoplastic polyolefins (TPO), thermoplastic elastomers (TPE), polyvinyl chloride (PVC) and mixtures thereof.

Claim 11: The method according to claim 1, wherein the plastic film is formed from a single- or multi-component, cross-linkable polyurethane system that is based on aliphatic or aromatic starter materials.

Claim 12: The method according to claim 1, wherein after performing step a) a thin paint layer is applied as an in-mold coating to the grained inside of the elastic skin and is dried or hardened, and method step b) is subsequently performed, the liquid plastic film being applied to the thin paint layer.

Claim 13: The method according to claim 12, wherein different regions of the inside of the elastic skin are coated with different coloured paints.

APPENDIX B

Appendix B: Evidence Presented

Applicant is not submitting any additional evidence with this Appeal Brief.

APPENDIX C

RELATED APPEALS AND PROCEEDINGS:

None.